

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW BART MONTENEGRO,

Defendant.

Case No. 2:20-CR-022-JAD-VCF

**Preliminary Order of Forfeiture**

This Court finds Andrew Bart Montenegro pleaded guilty to Count One of a One-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 1; Memorandum in Support of Plea, ECF No. \_\_; Change of Plea, ECF No. \_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Memorandum in Support of Plea and the Forfeiture Allegation of the Criminal Indictment and the offense to which Andrew Bart Montenegro pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. Smith and Wesson SD40, .40 caliber pistol, bearing serial number FXE8283;  
and

2. any and all compatible ammunition

(all of which constitutes property).

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1 This Court finds that on the government's motion, the Court may at any time enter an  
2 order of forfeiture or amend an existing order of forfeiture to include subsequently located  
3 property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

4 This Court finds the United States of America is now entitled to, and should, reduce  
5 the aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
7 DECREED that the United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,  
9 ownership rights, and all rights, titles, and interests of Andrew Bart Montenegro in the  
10 aforementioned property are forfeited and are vested in the United States of America and  
11 shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
13 America shall publish for at least thirty (30) consecutive days on the official internet  
14 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe  
15 the forfeited property, state the time under the applicable statute when a petition contesting  
16 the forfeiture must be filed, and state the name and contact information for the government  
17 attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C.  
18 § 853(n)(2). In the alternative, if the value of the property is less than \$1,000, the government  
19 may instead serve every person reasonably identified as a potential claimant in lieu of  
20 publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.  
21 Rule G(4)(a)(i)(A).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
23 or entity who claims an interest in the aforementioned property must file a petition for a  
24 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
25 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C.  
26 § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
27 right, title, or interest in the forfeited property and any additional facts supporting the  
28 petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
2 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada  
3 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no  
4 later than sixty (60) days after the first day of the publication on the official internet  
5 government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).


6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
7 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
8 Attorney's Office at the following address at the time of filing:

9 Daniel D. Hollingsworth  
10 Assistant United States Attorney  
11 James A. Blum  
12 Assistant United States Attorney  
13 501 Las Vegas Boulevard South, Suite 1100  
14 Las Vegas, Nevada 89101.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
16 herein need not be published in the event a Declaration of Forfeiture is issued by the  
17 appropriate agency following publication of notice of seizure and intent to administratively  
18 forfeit the above-described property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
20 copies of this Order to all counsel of record.

21 DATED: January 25, 2021.

22   
23 JENNIFER A. DORSEY  
24 UNITED STATES DISTRICT JUDGE  
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